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PBot™ inside

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Potshots

It occurs to me that God, especially in times of crisis, has more spokespeople than Amway.

LEONARD PITTS

No arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.

RONALD REAGAN

Extreme bumper sticker: For every action, there is an equal and opposite criticism.

Necessity is the excuse for every infringement of human freedom. It is the argument of the tyrant and the creed of the slave.

WILLIAM PITT, 1763

Beware the new Gallup Virus: Sixty percent of the PCs infected will lose 38 percent of their data 14 percent of the time—plus or minus a 3.5 percent margin of error.

Economists have forecasted 9 of the last 5 recessions.

Eighty percent of rules of thumb only apply 20 percent of the time.

DAVID GUNN

Term Limits: An Idea Built on Sand

by Michael Flynn

The cover story of the July/August issue of Intellectual Ammunition, written by Patrick Basham, said term limits "may be ushering in a new era of grassroots representative democracy." Here with a different point of view is Michael Flynn of the American Legislative Exchange Council.

The term limits movement during the 1990s was one of the most powerful political movements of that decade. In 1990, voters in California, Colorado, and Oklahoma passed legislative term limits. In just two years, 10 more states adopted term limits. With last year's passage of term limits in Nebraska, a total of 19 states have enacted term limits on their state legislators.

Both supporters and opponents have put forward passionate arguments as to the likely impact of term limits, but at this point, their arguments are largely conjecture. To date only 633 state legislators, out of a total of just over 7,000, have been termed out of office. In fact, of the 19 states that have imposed term limits, only 11 have felt their impact.

It is simply too soon to tell whether term limits will have any of the effects claimed by supporters or opponents.

90+ PERCENT REELECTION?

For most supporters of term limits, the crux of the argument comes down to this: Incumbents tend to win reelection with almost near certainty. In any given year, between 90 and 99 percent of incumbents win reelection. This number is certainly sobering, but it is also very misleading.

First, a large number of legislative districts are simply not politically competitive. Every 10 years, state legislatures redraw state and federal legislative districts to reflect changes in population. Each party tries to maximize the number of safe districts it holds. Because of this, only a fraction of legislative seats can truly be said to be "in play." Limiting terms does nothing to challenge the practice of district gerrymandering.

The 90+ percent figure also fails to account for those races where an incumbent doesn't face a credible challenger. Even in politically competitive districts, it is seldom the case that incumbents face strong challengers at every election. The demands of a campaign, the time away from family, the challenges of fundraising, absences from a regular job or career, and the relatively low pay—especially true of most state legislative seats—all act to dissuade a challenger from run-

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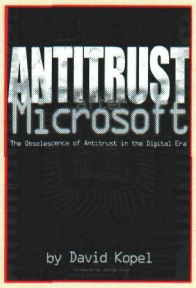

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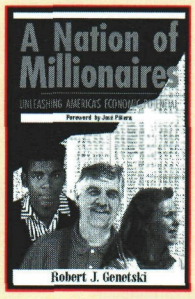

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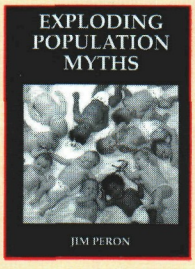

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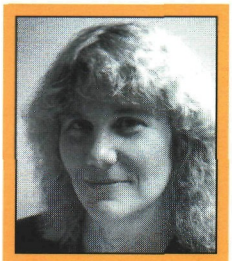

News from the Heartland

by Diane Carol Bast
Editor

It's been more than two months since foreign terrorists let us know—with unimaginable brutality and in no uncertain terms—the utter contempt they have for the United States and all she represents.

Our hearts go out to those who lost family and friends, and our pleas go out to all Americans: Let us not falter in our defense—not just militarily, but emotionally and spiritually as well—of the land of the free, home of the brave.

As Americans, we have freedoms the rest of the world only dreams of. Those freedoms cannot protect themselves: They depend on us as much as we depend on them. At every opportunity—in our places of work and worship, among family and friends, at such routine tasks as grocery shopping and high school football games—we must rededicate ourselves to protecting the liberty that sets us apart from the rest of the world.

PUBLIC POLICY AND TERRORISM

The terrorist attacks have led some to suggest that domestic issues—health care, taxes, and welfare reform, for example—have become less important in the public policy arena than national defense and foreign affairs. We beg to differ.

Security from terrorism is critically important, of course. But we cannot ignore the issues that matter here at home—or there'll be nothing here worth keeping secure.

Several of this issue's columnists address the impact of terrorism on their domestic policy areas of expertise. Health columnist Twila Brase warns against allowing the September 11 attacks to justify a national I.D. system that threatens to strip us of many of the freedoms we hold dear. Bart Cleland offers advice on how technology can be used to protect against terrorism . . . and also warns against the abuse of technology in the name of security.

Welfare columnist Michael Barkey offers a personal look at how the September 11 events made him reconsider the definition of "hero." Heroes are all around us, Barkey notes; "America's greatness resides in the goodness of her people." He urges policymakers to find ways to reward heroes, from many walks of life, by encouraging voluntarism as well as financial contributions to charity.

In an especially timely Point of View, Bob Poole and Viggo Butler look at how airport security could be improved—not by turning the effort over to federal government employees, but by making airport operators directly responsible for security in their facilities.

COMINGS AND GOINGS

This issue of Intellectual Ammunition will be the last for two of our writers.

Crime columnist Morgan Reynolds has taken a leave of absence from his "criminal" work to serve as chief economist for the U.S. Department of Labor under Secretary Elaine Chao. We're still searching for an appropriate replacement . . . Morgan's are tough shoes to fill.

Privatization columnist Robin Johnson is also leaving to pursue new opportunities . . . but he did us the favor of identifying his own replacement. Lynne Kiesling, economic policy analyst for RPPI, will begin writing the Privatization column with the January/February 2002 issue.

Best wishes in your new endeavors, Morgan and Robin . . . and many thanks!

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President: Joseph L. Bast ❖ **Publisher:** Nikki Saret ❖ **Editor:** Diane Carol Bast

Art Director: Kevin M. Fitzgerald ❖ **Graphic Design:** Jennifer Beranek

Contributing Editors: *Crime* Morgan Reynolds, National Center for Policy Analysis; *Education* George Clowes, The Heartland Institute; *Environment* David Riggs, Competitive Enterprise Institute; *Health Care* Twila Brase, Citizens' Council on Health Care; *Law* John E. Kramer, Institute for Justice; *Politics* Ron Faucheaux; *Privatization* Robin Johnson, Reason Public Policy Institute; *Regulation* Susan E. Dudley, Mercatus Center; *Taxes* Bill Ahern, Tax Foundation; *Technology* Bartlett Cleland, Institute for Policy Innovation.

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ning. This is also why term limit advocates are largely mistaken in the belief that, but for incumbents, there is a wave of citizen-legislators waiting breathlessly to hold office.

To gauge whether incumbents possess such overwhelming advantages that they stifle political competition, we need to know how incumbents fare in competitive districts against competitive (i.e., adequately funded) opponents.

In 1998, the latest year for which complete figures are available, out of 1,701 contested, two-candidate state legislative election contests, there were 314 races where the challenger raised at least as much money as the incumbent. Of these, challengers won 94, about 30 percent. In races where the challenger raised less than the incumbent—1,387 total races—challengers won just 72, a very low 5 percent.

Incumbents, then, have a 1 in 3 chance of losing to an equally funded challenger. If the challenger is not equally funded, the incumbent has a 1 in 20 chance of losing. This suggests that scrapping most campaign fundraising and spending limits, which tend to favor incumbents, could achieve the increase in political competition desired by term limits supporters without restricting voter choices.

NATURAL TURNOVER

While individual incumbent lawmakers tend to win reelection at high rates, it is not true that legislative bodies are ossified, static chambers, forever resistant to change. Looking at legislative bodies over a longer time horizon, for example eight to 10 years, reveals a great deal of turnover.

Since 1992, the U.S. Congress has experienced a 54 percent turnover in the Senate and a 69 percent turnover in the House of Representatives.

In Illinois, between 1992 and 2001, the state senate experienced a 67 percent turnover in membership. The state house experienced a 72 percent turnover, both without the benefit of term limits.

This is not solely a "Land of Lincoln" phenomenon. The accompanying table shows similarly high turnover rates in randomly selected, non-term-limited states over the same period.

TURNOVER RATES IN TYPICAL NON-TERM-LIMITED STATES 1992-2001

Iowa Senate	76%
Iowa House	83%
North Carolina Senate	60%
North Carolina House	67.5%
Wisconsin Senate	60.1%
Wisconsin House	66%

Since 1992, even the "politburo" of American politics, the U.S. Congress, has experienced a 54 percent turnover in the Senate—a rather high figure, considering the terms are for six years—and a 69 percent turnover in the House of Representatives.

It is possible that the 20-30 percent of the remaining legislators are somehow the obstacles to reforming whatever it is that is poisoning our system, but there is scant evidence to suggest this. If it were true, institutional limits on committee chairmanships and leadership positions could easily lessen any consolidation of power by long-term legislators.

CONSERVATIVE FRUSTRATION

The most important belief that unites supporters of term limits is a general disagreement with the basic direction of government.

Generally speaking, an individual's support of term limits seems to rise in direct proportion to his or her disagreement with existing legislators' behavior or government policy in general. Limiting the terms of elected officials, however, blames and punishes the wrong parties.

Each year, executive branch agencies at all levels of government issue thousands of pages of new regulations. Dozens of federal and state agencies, staffed and directed by unelected political appointees, have been given police powers to ensure that we comply with these regulations. Term limits do nothing to limit this expansion and potential abuse of power.

Legislatures, in contrast, are the bodies that are most directly and regularly accountable to citizens. They are meant to balance the natural tendency of the executive branch to expand its powers and reach. The possibility that term limits would weaken the institutional power or effectiveness of legislatures *vis a vis* executives and bureaucracies should be of greater concern to conservatives and libertarians.

TRUST DEMOCRACY

Finally, one of the more disturbing aspects of the term limits movement is the extent to which it distrusts representative democracy, and voters in particular. Of course, supporters allege they are re-claiming representative democracy. But at their basic level, term limits tell voters, "I'm sorry, you've made a mistake. For your own good, you can no longer choose Mr. Smith to represent you in the legislature."

Even worse, term limit advocates tell Mr. Smith, "I'm sorry, you can no longer represent us in the legislature. It's for your own good, as well as ours, for you are certain to be corrupted." Such a statement cannot easily be said to arise from a great faith in our system. It suggests the cure truly can be worse than the disease.

Legislatures . . . are meant to balance the natural tendency of the executive branch to expand its powers and reach.

Michael Flynn is director of policy and legislation at the American Legislative Exchange Council, the nation's largest bipartisan membership organization of state legislators.

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Crime

Morgan Reynolds

Morgan Reynolds is chief economist for the U.S. Department of Labor and on leave as director of the Criminal Justice Center at the National Center for Public Policy.

Murderous Impact of Three Strikes

Since the early 1990s, the states have passed many get-tough-on-crime laws, boosted spending to double prison and juvenile detention space, and improved policing. Contrary to many government programs, these measures mostly worked and deserve much of the credit for our one-third drop in crime over the last decade.

But not everything has worked. Between 1993 and 1995, 24 states passed "three strikes and you're out" laws that prolong prison terms for comparatively few criminals with a particular pattern of prior felony convictions. All but one of the 24 states already had provisions that allowed the courts to "throw away the key" on habitual criminals, so nothing was radically new about the idea.

Here's the logical problem with the new statutes: While these laws may encourage some career criminals to cease and desist, those who continue to commit crimes face little or no additional sanction for committing a more grievous crime.

That behavior may cost the lives of more victims and crime scene witnesses. Under some circumstances, the criminal can reduce his chances of apprehension and conviction by killing a witness, without any practical disincentive in terms of a more severe punishment.

If apprehended and convicted of a third serious violent crime, for instance, the penalty would amount to that for homicide anyway (an average of 89 months served for those released), whether the criminal takes a life or not. So, too often the criminal will kill in order to reduce the chances of being caught.

The laws, in other words, violate the principle that marginal punishment must be held in reserve to stop marginal harm.

"NO JUSTIFICATION"

Since 1991 the national murder rate has declined 40 percent. But it has not fallen as much in three-strikes states, a difference of roughly 10 percentage points between three-strikes and other states. On first examination of the data, that amounts to at least 1,400 extra murders per year in the three-strikes states.

Because homicides are quite rare events, even if eliminating witnesses occurs in only a tiny portion of violent crimes, homicides can still increase significantly on a percentage basis.

Thomas Marvell and Carlisle Moody, two veteran economists at the College of William and Mary in Virginia, have carefully explored this connection between homicide and three-strikes laws in their January 2001 article in the University of Chicago's *Journal of Legal Studies*. They conclude, "Given their unintended consequences in terms of human lives, we see no justification for three-strikes laws."

The authors base this strong conclusion on their analysis of the data from all 50 states during the years 1970-1998. The basic finding is that three-strikes laws produce a 10-12 percent increase in homicides within the first two years after passage of the laws, while over the longer haul the increase rises to as much as 29 percent more homicides. That makes the long-run impact 3,300 more homicides each year. With some economists valuing a human life at $3.2 million, that would be a social cost of nearly $11 billion each year.

But isn't this staggering loss offset by favorable effects of the law in reducing crime? Apparently not. Marvell and Moody search diligently using impressive statistical procedures, but find relatively little evidence that the laws deter much crime. A few states, like California and Georgia, with the most severe laws seem to suffer the smallest increases in homicide, suggesting the increased murders to evade capture in these states may be offset by some deterrence and incapacitation effects. Also, their data end in 1998 and "it is possible that there is an incapacitation impact delayed many years." This seems unlikely, though, because the laws have yet to register a detectable impact on the prison population, suggesting no major incapacitation effect will be found.

> *While these laws may encourage some career criminals to cease and desist, those who continue to commit crimes face little or no additional sanction for committing a more grievous crime.*

Can a single study settle the issue? Of course not. For example, the study does not account for state differences in arrest rates, and the results might change if they were incorporated. We'll have to see if other researchers confirm the Marvell-Moody conclusion using different models and data. In the meantime, it looks like three-strikes laws have boomeranged badly.

FOR MORE INFORMATION...

Three Strikes, You're Out: A Review. Washington State's three strikes policy was approved by 76 percent of the voters in 1993. Between 1993 and 1997, violent crime fell, criminals seemed to be changing their behavior, and the program's costs were less than opponents predicted. (Washington Institute, 1997)

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George A. Clowes

George A. Clowes is managing editor of *School Reform News*, a publication of The Heartland Institute.

Who Tells Teachers They Can Teach?

QUESTION: For which grade level would the following test questions be appropriate?

1. Which of the following is equal to a quarter of a million?
(a) 40,000
(b) 250,000
(c) 2,500,000
(d) 1 / 4,000,000
(e) 4 / 1,000,000

2. Martin Luther King Jr. [insert the correct choice] for the poor of all races.
(a) spoke out passionately
(b) spoke out passionate
(c) did spoke out passionately
(d) has spoke out passionately
(e) had spoken out passionate

3. Find the grammatical and spelling errors in this sentence: "Only if our society realize that there are so many factors contributing to a student's test score, then teachers will be willing to take the blam game. Who is to blam when students don't do homeworks? who is to blam when pareants don't care to come to the teacher pareant conference?"

Teacher education classes and textbooks do not emphasize knowledge as being important.

ANSWER: Although none of these questions should tax the abilities of the average sixth-grader, the test questions are not for students in grades K-12 at all . . . but for prospective and current *teachers* of K-12 students.

The first two questions are samples from the Praxis I test for prospective teachers. The third question is a quotation from a recent letter to *The New York Post* sent by a certified high school social studies teacher in New York City. The *Post* ran a series of stories a few years ago about the poor spelling and grammar found in teachers' written evaluation of students.

New York City Schools Chancellor Harold Levy admitted to *Post* reporter Carl Campanile that the two exams used to certify teachers "are not difficult." The content of the tests is easier than the questions on the SAT, according to one new teacher. Nevertheless, 31 percent of New York City public school teachers have failed at least one of the exams and the classroom skills test required for certification.

Why do so many teachers have such limited knowledge? The surprising answer is that their teacher education classes and textbooks do not emphasize knowledge as being important.

TEACHERS AS FACILITATORS

The traditional form of teaching is teacher-centered, where knowledgeable teachers transmit their knowledge and information to students. However, the teaching model preferred in schools of education is student-centered, where teachers function not as dispensers of knowledge but as facilitators assisting students in the discovery of knowledge for themselves.

Earlier this year, the Pacific Research Institute released a report by Lance T. Izumi and K. Gwynne Coburn, "Facing the Classroom Challenge," on teacher training at a sample of the schools of education in the California State University system. After reviewing quantitative research studies, the report concluded teacher-centered methods are more effective in raising student achievement . . . but the CSU schools of education favored less-effective student-centered methods.

Nancy Ichinaga, principal of the renowned Bennett-Kew elementary school in Los Angeles, told Izumi and Coburn that student-centered teaching practices had a harmful effect, particularly on low-income students. Ichinaga said they had more trouble with teachers who were certified than those who weren't.

She also admitted that 90 percent of the people she had hired in the last few years were "emergency-credentialed" and therefore had had no teacher training and no exposure to the following student-centered philosophy:

- "Content knowledge is not seen to be as important as possessing teaching skills and knowledge about the students being taught." (from a San Francisco State University pedagogy textbook)
- Advocating less student "sitting, listening, receiving, and absorbing information" and more "active learning in the classroom with all the attendant noise and movement of students doing, talking, and collaborating." (from a required text at CSU Dominguez Hills)
- "We cannot afford to become so bogged down in grammar and spelling that we forget the whole story," which includes "racism, sexism, and the greed for money and human labor that disguises itself as 'globalization.'" (from a CSU Dominguez Hills multicultural textbook)
- "There is no place for requiring students to practice tedious calculations that are more efficiently and accurately done using calculators." (from a San Francisco State University math text)

Although the Pacific Research Institute study was conducted in California, similar studies in other states would find the same thing, according to John E. Stone, an educational psychologist and professor in the College of Education at East Tennessee State University.

FOR MORE INFORMATION...

Facing the Classroom Challenge: Teacher Quality and Teacher Training in California's Schools of Education. Teacher-centered pedagogy has proven far more effective than student-centered. Yet a bias toward student-centered methods remains in many teacher's-ed programs. A strong dose of accountability and school choice measures might change that. (Pacific Research Institute, April 2001, summary, 10pp.)

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Environment

Randal O'Toole

Randal O'Toole is senior economist with the Thoreau Institute and author of the recent book, *The Vanishing Automobile and Other Urban Myths*.

Central Planning Dooms "Smart Growth"

Imagine that almost every city, county, town, and village in the United States has at least one communist on its staff—not an infiltrator, but someone whose job title is *Communist*, whose job description is to implement communism in that community.

Difficult to believe? The most important part of soviet communism is central planning. Now go back to the previous paragraph and replace the word *communist* with *planner* and *communism* with *planning*. Then the paragraph turns out to be the truth.

In the United States, many planners agree with architect Andres Duany, who urges land-use planners to write plans "with such precision that only the architectural detail is left" to the land owners. Most planners believe property rights are "flexible," and that no property owner should be able to do anything with his or her land without government approval.

Despite their scientific pretensions, planners really have no idea how a city or any other economy works. So they rely on fads to tell them how to run our lives. In the 1950s and 1960s, the fad was urban renewal. Today, it is *smart growth*.

It is likely that planners in our city governments will do far more harm to our personal and economic freedoms than communists in the State Department.

OREGON: PLANNING'S VICTIM

Smart growth says Americans drive too much, and the large lots on which they live waste too much land. The smart-growth fad is furthest advanced in Oregon, where planners have passed an unbelievable set of regulations for land use and transportation. Here are just a few of them.

Planners have drawn **urban-growth boundaries** around all of Oregon's cities and towns. These boundaries contain just 1.25 percent of all the land in Oregon, yet planners hope to force 90 percent of Oregon residents to live within them. Only actual farmers should be allowed to live outside the boundaries, say planners.

Inside the boundaries, **planners regulate everything** from parking on the streets to the use of church buildings. One Portland church with 400 seats in its sanctuary was told it could allow no more than 70 people to worship in the church at one time. A growing church was told it could not expand unless it remained closed on Saturdays and held no more than five weddings or funerals a year.

To fit a growing population within the urban-growth boundaries, planners are **rezoning existing neighborhoods** to higher densities. If you own a quarter-acre lot in such a neighborhood, you would not be allowed to build a single house on it—even if many other homes in the neighborhood are on quarter-acre lots. Instead, if the area is zoned to 24 units per acre, you will be required to build a six-unit apartment. If your existing house burns down, you will be required to replace it with an apartment.

Planners also want to **control the design** of people's homes. They derisively call houses with garages in front "snout houses," and say people who own such houses drive too much. So Portland has passed an ordinance requiring that garages be recessed behind the front of new homes.

To further discourage driving, planners are deliberately not building new highways. Their goal is to **increase congestion** so people will walk or ride public transit instead of drive. Planners are building concrete barriers and speed bumps on existing roads to **slow traffic and reduce traffic flows**. They call this *traffic calming* . . . though the people who must drive on such roads feel anything but calm.

CAREFUL WHAT YOU ASK FOR

Smart growth turns out to accomplish the exact opposite of almost everything it promises. It makes cities more congested. It increases air pollution. Artificial land shortages lead to unaffordable housing. Open spaces are rapidly filled with high-density housing.

Portland planners admit their goal is to "replicate" Los Angeles—the nation's most congested and polluted city, and one of its least affordable. In the last 18 years, congestion in the Portland area has grown faster than in any other U.S. urban area. The city has gone from being one of the 50 most affordable to one of the 10 least affordable markets for single-family housing in the nation.

A decade ago, smart-growth ideas were peculiar to Oregon. But now they are rapidly taking over the country. Government officials in such diverse states as Florida, Georgia, Maryland, Minnesota, Washington, and Wisconsin have strongly endorsed smart growth.

In retrospect, it is likely that planners in our city governments will do far more harm to our personal and economic freedoms than communists in the State Department. The solution is simple: Fire all the planners.

FOR MORE INFORMATION...

American Dream Boundaries: Urban Containment and Its Consequences. A thorough analysis of trends in Portland and Atlanta, covering the time period during which Portland's urban containment policies have begun to have serious effect. (Georgia Public Policy Foundation, 2001, 23pp.)

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Health Care

Twila Brase

Public health nurse Twila Brase is president of Citizens' Council on Health Care.

We Must Not Give in to a National ID

Calls for a national identification number have sounded with alarming frequency since terrorists bombed the World Trade Center and Pentagon on September 11.

Members of Congress and government officials insist that a national ID system can protect citizens, and the American public appears all too willing to relinquish its civil liberties for a superficial sense of security. In the aftermath of the attack, an AOL poll found 56 percent of 277,119 respondents agreeable to a national ID.

Unfortunately, to some extent, a national ID has already been created. In 1996 Congress mandated implementation of a national identification system by October 1, 2000. Anticipating public backlash, the legislation specifically stated that a national ID was *not* being created. Not true.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 required, with few exceptions, that every state identification document and drivers' license "shall contain a social security account number that can be read visually or by electronic means." Civil rights advocates fought the requirement, successfully getting part of the Act repealed in 1999, but it was too late. Many states had already re-designed their licensing systems to meet the federal requirement.

> *With opportunists, policymakers, and profilers lining up to turn America into a nation of suspects, the civil liberties of Americans need all the protection they can get.*

GOVERNMENT CARD; GOVERNMENT POWER

Since September 11, national ID proponents have become bolder, supporting a broad, centralized federal database system using smart card IDs—cards with embedded computer chips. Supporters want ID cards for every citizen, including children. All Americans are to be numbered, located, and identified, essentially eliminating the need for census-taking.

If such a system were created, pervasive monitoring could begin. Genetic and biometric identifiers, medical and bank records, FBI and police files, and education records may become instantly accessible to government officials. Even GPS tracking functions could be installed on the card.

Card access controls were part of former President Bill Clinton's failed attempt to nationalize health care. Every citizen was guaranteed health care services through a "Health Security Card." The Clinton proposal made it abundantly clear: No card, no care.

The Clinton health plan failed, but in 1995, his administration introduced the concept of an international smart card for health care at a special meeting of the G-7, the leaders of the world's economic powers. There the Health Passport Program (HPP) was born.

With taxpayer and private funding, the Western Governors' Association (WGA) is running HPP demonstration projects in Wyoming, North Dakota, Nevada, and Idaho using Medicaid recipients. A national ID is not mentioned, but the WGA Web site boasts the program "will ensure convergence with financial and retail industry plans for a universal transition to smart cards."

NO PROOF; PLENTY OF PROPONENTS

Although national IDs give no proven protection against the acts of determined terrorists and intelligent criminals, they have many advocates. The District of Columbia wants to photograph and fingerprint all district school children as a strategy for locating missing children. The Kaiser Permanente health plan requires a government-issued photo ID to see a doctor. The Jacob Wetterling Foundation offers child ID kits, complete with DNA collection instructions. Even the stalwart British have wavered. After the terrorist attack, a poll found 85 percent convinced that a national ID could keep them safe.

Financially motivated corporations are eager to help officials create the system. Oracle Chairman and CEO Larry Ellison has offered the U.S. government its database software for free—at least the initial set-up. Interviewed after the terrorist attack, Ellison said, "We need a national ID card with our photograph and thumbprint digitized and embedded in the ID card."

Thomas Heeter of Houston, Texas thinks he has a better, albeit highly objectionable, idea for verifying identity. On March 2, 1999, Heeter received a U.S. patent for tattooing bar codes on humans.

In this new battle between good and evil, Congress must make terrorists the target, not the U.S. Constitution. To keep government power in check, more than 150 organizations, 400 attorneys, and 40 computer specialists came together on September 20 in a coalition called In Defense of Freedom.

"Necessity is the plea for every infringement of human freedom," said William Pitt in 1783. With opportunists, policymakers, and profilers lining up to turn America into a nation of suspects, the civil liberties of Americans need all the protection they can get.

FOR MORE INFORMATION...

Big Brother Flunks a Test: Monitoring the National ID Program. A case history describing how the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 moves the country perilously close to implementing an ill-considered national system of identification. (Center for Equal Opportunity, September 1997, 16pp.)

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Law

Supreme Court Will Find School Choice Constitutional

Robert Freedman

Robert Freedman is an attorney with the Washington, DC-based Institute for Justice, which represents parents in the Cleveland school choice case.

More than 100 years ago, the U.S. Supreme Court rejected the simplistic argument that every form of aid that ultimately flows to a religious group violates the Establishment Clause of the Constitution.

Today, tens of thousands of students use Pell grants or the G.I. Bill to attend universities of their choice, regardless of whether the university is religious. Countless Americans take advantage of tax deductions for donations to charities, regardless of whether the charity is religious.

CLEAR CONSTITUTIONAL STANDARD

Those programs, and others that are similar, are constitutional for the same reason the Cleveland school choice program, which the Supreme Court announced in early October it will review, will be found constitutional.

As the Court has held in many cases, these programs define the beneficiaries based on "neutral, secular criteria, that neither favor nor disfavor religion," and if any aid flows to a religious organization it is because of the "genuinely independent and private choices" of individuals. Although not poetry, those words provide a clear constitutional standard.

Not a dollar of taxpayer funds can reach a religious school without a parent making that decision. For that and other reasons, the Court will declare the Cleveland school choice program constitutional.

When the Court evaluates the Cleveland program it will find that any child who lives in the Cleveland school district is eligible to participate in the program. The program gives a preference to children from low-income families—those who earn less than 200 percent of the poverty rate. The preference is not based on religion and applies to all low-income children equally.

The program enables parents to send their children to the school of their choice by sending aid directly to the parents—not to schools. Parents, not the state, choose the school their child attends. The parents then pay the school's tuition with financial aid directly given to them.

In the language of the Court, the eligibility requirements are "neutral" and the "independent and private choices" of individual parents determine which school their children will attend. Religion is never a factor in determining how the state allocates this financial aid.

Put in even simpler English: Not a dollar of taxpayer funds can reach a religious school without a parent making that decision. For that and other reasons, the Court will declare the Cleveland school choice program constitutional.

CHILDREN THE TRUE BENEFICIARIES

The Court will also find that the true beneficiaries of the program are the children of Cleveland. The Cleveland school choice program allows parents to send their children to schools where their children will learn.

Cleveland public schools have failed their students—the children of Cleveland. Cleveland public schools have been in the national spotlight since 1995, when a federal court declared they were in "total fiscal and administrative collapse."

Cleveland public schools have had six years to reform and improve their performance. Yet, in the most recent evaluation by the state, Cleveland public schools passed only three of 27 performance standards. They are still classified as being in a state of "academic emergency."

Other statistics about Cleveland public schools are more disturbing. Children who enter Cleveland public schools in kindergarten are more likely to be a victim of a crime on a Cleveland public school campus than to graduate on time and at grade level.

Cleveland's school choice program enables parents to send their children to the school where their children will learn best. No longer will parents be forced to send their children to a failing school that is unsafe because of the whimsy of a state administrator or the caprice of school district boundary lines. Parents, because of the Cleveland school choice program, will be making independent choices about the schools their children attend, just as college students are able to choose where they wish to study.

For too long, too many groups have used the Establishment Clause as an excuse to take power away from individual parents and give it to state administrators. This abuse has resulted in the exclusion of parents from their children's education. The consequences of that exclusion are made clear on a daily basis in the poor performance or outright failure of our public schools.

Behind the failure of our public schools are the countless children who will not be able to fulfill their potential because of an inadequate education. After the Court upholds the Cleveland program, this insidious and pervasive child abuse will stop.

FOR MORE INFORMATION...

An Evaluation of the Cleveland Voucher Program after Two Years. Although the Cleveland Scholarship Program was besieged by challenges in court before it even got off the ground, it showed impressive results when allowed to proceed. A survey taken in the summer and fall of 1998 evaluated participants of CSP. (Harvard Program on Education Policy and Governance, June 1999)

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Privatization

Robin A. Johnson

Robin A. Johnson is director of the Privatization Center at the Reason Public Policy Institute.

States Miss Opportunity to Reform Government

The old saw "If it ain't broke, don't fix it" has a certain common sense charm that appeals to many. Unfortunately, many state government officials followed this advice during the 1990s . . . and are now suffering the consequences.

As booming economic conditions filled state coffers, officials rushed to spend money and start programs without a hard look at efficiency measures.

Now, with the economy heading towards a recession and the terrorist attacks of September 11 choking consumer spending and harming key industries, many states are feeling the pinch: cutting spending, dipping into reserves, delaying capital projects, and considering tax increases.

LOST OPPORTUNITY

While state officials will likely try to shift blame for their financial plight to the slumping economy or to terrorism, they need only look in the mirror to assign responsibility. The 1990s were marked by a soaring economy, booming stock market, and seemingly unlimited consumer confidence.

State governments enjoyed the benefits of economic resurgence. Revenues increased 30 percent in real terms between 1990 and 1998, an increase of approximately $630 per person. However, according to the Cato Institute, two-thirds of the increase in estimated revenues during the 1990s went for new spending initiatives. The surge in revenues was occurring as federal grants to states increased nearly 50 percent and billions in tobacco-settlement cash were distributed to states.

STRUCTURAL REFORM

Not all states are in bad financial shape, and not all totally squandered the largess of the 1990s on new spending and programs. Most states cut taxes during that period, and many built up reserves and "rainy day" funds to levels acceptable to bond rating agencies.

What was lacking in most states was any consideration of structural changes in government that could have longer-lasting effects on state finances. Performance reviews of existing state programs and services could establish clear priorities and lead the way to changes in the service delivery mix. Some states, such as Illinois, conducted performance reviews, but implementation of key recommendations across the nation has been spotty at best.

Privatization of services, difficult politically under the best of circumstances, is even more problematic when things "ain't broke," such as during the 1990s. But examination of privatization is best done during flush economic times when there is reduced pressure to act quickly. While many states privatized services in the 1990s on a case-by-case basis, there were few examples where it was examined as part of a government-wide, systematic attempt to improve government performance.

BUSH'S BOLD MOVES IN FLORIDA

One leader is Florida, where Governor Jeb Bush made privatization of services a hallmark of his administration. In 2000, Bush anticipated slowdowns in revenues and called on state agencies to cut spending by 5 percent. In response, agency officials proposed widespread privatization plans that will eliminate nearly 2,000 positions. Among the areas targeted for privatization are custodial jobs at the Department of Management Services, maintenance positions at state parks, and medical and food services at state prisons.

In addition, Bush led the charge to privatize several social services that show promising results. Early evaluations of Florida's privatization of child welfare services indicate improved performance, including a reduction in the length of stay in foster care. Last year, a Florida mental health facility became the first in the nation to be fully privatized and subsequently received state accreditation for the first time in its history.

While state officials will likely try to shift blame for their financial plight to the slumping economy or to terrorism, they need only look in the mirror to assign responsibility.

Bush's latest move is perhaps his boldest, coming in the year before his reelection. An agreement was reached in September for the state to become the largest in the nation to privatize personnel services. Officials expect the deal to reduce the state workforce by nearly 1,000 and save approximately $20 million a year.

"IF IT AIN'T BROKE, *FIX* IT"

Governor Bush's proactive efforts at government reform in Florida provide an example for other states on how to prepare for financial difficulties before they occur.

Unfortunately, most states are in a reactionary mode, examining the traditional responses of tax increases and service reductions.

Ironically, what officials avoided during the heady times of the 1990s—privatization and other efficiency measures—will be back on the table as officials struggle to reduce costs while maintaining services.

FOR MORE INFORMATION...

The State Spending Spree of the 1990s. State governments are awash in revenues, having grown at a rate almost twice that called for by inflation and population growth *before* settlements from tobacco litigation. As a result, state government expenditures have soared . . . leaving states highly vulnerable to slowdowns in the economy. (Cato Institute, May 1999)

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Regulation

Susan E. Dudley

Susan E. Dudley directs the Public Interest Comment and Regulatory Accounting projects of the Regulatory Studies Program of the Mercatus Center at George Mason University.

Regulatory Costs Compound Tax Burden

The federal government has two principal mechanisms by which it diverts resources from private-sector use to meeting government-mandated goals: regulation and taxation. While tax revenues are measured precisely, tracked through the federal budget, and subject to Congressional oversight and public scrutiny, there is no corresponding mechanism for keeping track of the total cost of regulation.

INCREASING AWARENESS

This is significant, because wise use of our resources is especially important in this time of economic and social uncertainty. Because the costs of regulation are neither measured nor paid explicitly, the dramatic growth in the number and scope of regulations over the last three decades has gone largely undetected.

American consumers, employers, and workers feel this burden in the form of increased prices for goods and services, lower wages, and limited choices. However, the source and magnitude of the regulatory tax are hidden.

Several recent studies may serve to increase awareness of the hidden regulatory tax.

In a new study commissioned by the U.S. Small Business Administration, Professors W. Mark Crain of George Mason University and Thomas D. Hopkins of Rochester Institute of Technology estimate Americans spent $843 billion in 2000 to comply with federal regulations. This works out to an average cost to every American household of $8,164 per year—slightly less than half of the average tax bill of $19,613 each household contributes (directly or indirectly) to federal revenues.

Crain and Hopkins also find that, while all citizens and businesses share in these costs, the distribution of the burden is quite uneven. In the business sector, small businesses are the hardest hit. Firms employing fewer than 20 employees face an annual regulatory burden of $6,975 per employee, a burden nearly 60 percent above that facing a firm employing more than 500 employees.

Depending on whether "transfer" costs are included in the total, either economic regulation or environmental regulation contribute the greatest share of the total cost. Workplace regulations take third place, as they have been growing in recent years due to benefits mandates (the Family and Medical Leave Act and various Health Insurance Portability requirements), safety and health rules (ever-increasing numbers of OSHA regulations), and civil rights regulations (new rules based on the Americans with Disabilities Act and the Civil Rights Act of 1991).

HIGH COSTS: WHO PAYS?

In another recent study, Joseph M. Johnson, a research fellow at the Mercatus Center at George Mason University, concludes that, with the exception of those workplace regulations dealing with safety and health, the costs of workplace regulations have not been studied in detail.

Based on a comprehensive synthesis and review of available literature on the costs associated with 25 major statutory and executive provisions, Johnson estimates workplace regulations cost Americans at least $91 billion in 2000. The costs of regulations aimed at occupational safety and health make up more than half of this estimated total cost, or $49 billion. Another 21 percent is attributed to regulations governing employee benefits.

Who pays these costs? Johnson does not address this question, but a casual observer may assume "rich" corporations pay them. To some extent this is true; labor regulation slightly lowers the rate of return to shareholders. But shareholders are, for the most part, workers who own 401(k) plans or any other retirement plans, purchasers of life or homeowner's insurance, as well as those who consciously buy stocks.

Particularly in the wake of the terrorist attacks on the U.S., ignoring the cost of regulatory programs is a luxury Americans cannot afford.

Consumers also pay a share of the cost, in the form of higher prices for goods and services. But perhaps the largest share of the cost of workplace regulations will fall on workers directly. Just as a tax on labor will largely be paid by the laborer, workers pay much of the hidden tax imposed by labor regulation. These taxes hurt workers not because anyone is trying to hurt them, but because the regulated worker, in order to be employed, must produce enough to cover all of the costs of hiring him.

Particularly in the wake of the terrorist attacks on the U.S., ignoring the cost of regulatory programs is a luxury Americans cannot afford. The estimates from these new studies reveal that the yearly economic costs of regulation exceed what it cost to fight World War II for a year, at the peak of the war.

Good public policy requires a clear understanding of what Americans are giving up to receive regulatory benefits, and these two studies are a good start toward improving that understanding.

FOR MORE INFORMATION...

A Review and Synthesis of the Cost of Workplace Regulations. While the literature on regulatory costs has been growing, there remains relatively little knowledge about the effect of workplace regulations on consumers, employers, workers, and taxpayers. This paper reviews available estimates of the cost of regulations directed at the workplace and generates an estimate of the total cost of workplace regulations. (Mercatus Center, August 30, 2001, 35pp.)

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Taxes

Bill Ahern

Bill Ahern is communications director of the Tax Foundation.

Who Benefits from Feds' Tax-and-Spending Policies?

Property tax collections will hit an all-time high in 2001, exceeding $250 billion. Local government units—including counties, cities, and school districts—will collect approximately $243 billion, while state governments collect $13 billion.

LOCAL VS. STATE PROPERTY TAXES

Adjusted for inflation, property tax collections have risen steadily since 1950 with one notable exception: Collections dipped during a series of tax revolts in the 1970s. The decline bottomed out in 1980-1981, and property tax collections have grown 69 percent since then.

In FY 1997, the latest for which data are available, 73 percent of all local tax collections were property taxes. New Jersey localities collected $1,591 per capita, more than any other state.

State-level property taxes are small compared to local collections, but they have begun growing more rapidly. Washington State collected by far the most per capita in FY 1997 ($347).

PROPERTY TAX ADMINISTRATION

A well-defined trend in property tax administration is toward centralization. Though this trend is occurring largely in response to a demand for "tax fairness," the results of the trend are bittersweet because of the elimination of tax competition between localities. Statewide control eliminates pressure for localities to keep property tax rates reasonable and use tax revenue efficiently.

TAX ASSESSMENT RATIOS

Thousands of localities tax just a fraction of each property's assessed value, as opposed to the full value of the property.

Localities in some states have no choice in the matter because a fixed percentage is established by the state constitution or by statute.

In states that permit localities to set the assessment ratio, most local tax jurisdictions choose to assess at a lower ratio than the state allows. The likely motivation is that the public is alert to increases in property tax rates but offers less resistance to increases in assessment ratios.

ASSESSING PROPERTY VALUE

Below-market assessment is one of the hallmarks of local property assessment. This appears to result in a lower tax burden, but not necessarily in less local revenue. Many state and federal programs allocate funds to local governments by wealth formulas that include property value, creating incentives for localities to make their populations appear less wealthy. Underassessment also keeps local property owners from beleaguering the local government with petitions.

Local Property Tax Collections Per Capita and Per $1,000 of Personal Income

State	Total ($Thousands)	Per Capita (a)	Per $1,000 of Personal Income (a)	Rank Per Capita (a)	Rank Per $1,000 of Personal Income (a)
All States (b)	$207,824,892	$ 783	$ 31	-	-
Alabama	$ 904,159	$ 210	$ 10	50	50
Alaska	634,713	1,046	39	10	10
Arizona	2,727,267	607	27	32	30
Arkansas	807,537	321	16	47	45
California	19,589,445	612	23	31	36
Colorado	$ 2,966,595	$ 770	$ 28	22	28
Connecticut	4,902,252	1,500	43	3	7
Delaware	341,740	467	17	41	44
Florida	11,542,524	793	32	17	23
Georgia	4,908,319	662	28	29	29
Hawaii	$ 607,265	$ 512	$ 20	40	42
Idaho	711,346	593	29	33	26
Illinois	12,710,955	1,061	38	9	11
Indiana	5,087,780	869	37	14	12
Iowa	2,319,279	813	35	16	15
Kansas	$ 2,045,364	$ 784	$ 33	20	21
Kentucky	1,113,051	286	14	48	49
Louisiana	1,409,840	324	16	46	47
Maine	1,479,396	1,190	55	7	2
Maryland	3,608,286	711	25	27	33
Massachusetts	$ 6,612,387	$ 1,084	$ 36	8	14
Michigan	6,025,927	617	25	30	34
Minnesota	4,268,684	915	34	13	18
Mississippi	1,234,347	454	25	42	35
Missouri	2,789,181	518	22	38	40
Montana	$ 590,177	$ 672	$ 34	28	19
Nebraska	1,589,279	962	40	12	9
Nevada	936,819	573	21	35	41
New Hampshire	1,814,598	1,555	58	2	1
New Jersey	12,775,758	1,591	50	1	4
New Mexico	$ 485,206	$ 283	$ 14	49	48
New York	24,121,718	1,329	44	4	6
North Carolina	3,806,521	517	22	39	39
North Dakota	462,706	721	34	26	16
Ohio	8,339,499	745	31	23	24
Oklahoma	$ 1,095,421	$ 332	$ 16	45	46
Oregon	2,533,088	787	32	19	22
Pennsylvania	8,805,983	732	29	24	27
Rhode Island	1,217,099	1,233	48	5	5
South Carolina	2,081,688	553	26	36	31
South Dakota	$ 532,956	$ 729	$ 33	25	20
Tennessee	2,333,412	436	19	43	43
Texas	16,348,847	852	36	15	13
Utah	1,097,907	537	26	37	32
Vermont	711,883	1,212	53	6	3
Virginia	$ 5,227,446	$ 780	$ 30	21	25
Washington	3,282,570	591	23	34	37
West Virginia	764,113	420	22	44	38
Wisconsin	5,144,206	992	41	11	8
Wyoming	378,353	788	34	18	17
District of Columbia	$ 699,524	$ 1,311	$ 37	-	-

(a) Population and personal income figures adjusted into state fiscal years.
(b) Does not include the District of Columbia. Source: Department of Commerce, Bureau of the Census.

FOR MORE INFORMATION...

Are Illinois' Tax Caps Still a Good Fit after 10 Years? In this two-part series, the Taxpayers Federation explores the effectiveness of Illinois' Property Tax Extension Limitation Law—"tax caps"—enacted a decade ago in the counties surrounding Chicago. Economists examine property tax data to see if real relief emerged, and local residents are asked whether things changed for better or for worse. (Taxpayers Federation of Illinois, July and August 2001)

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Technology

Bartlett D. Cleland

Bartlett Cleland is director of the IPI Center for Technology Freedom. Formerly he served as Technology and Policy Counsel for Americans for Tax Reform, and earlier he was counsel to Senator John Ashcroft.

Terrorism and Technology

One need not be clairvoyant to know what's on the minds of Americans these days. What may be more difficult to fathom is exactly what the recent acts of war have to do with the world of technology.

The impact of the September 11 tragedy on technology has already been great. In the name of increased security, efforts are being made to pass unnecessary legislation aimed at technology. At the same time, the terrorist attack clearly demonstrated the need for more effective use of technology by the U.S. government.

The terrorist attacks appear to have been surprisingly low-tech. After years of fear based on the Y2K bug, cyber-terrorists, and domestic hackers, in New York City and at the Pentagon knives and jet fuel were the elements of terror.

This is not to belittle the critical importance of the nation's cyber-security. In fact, in many ways, the events of September 11 have demonstrated how important the protection of our society and infrastructure are, and how sorely lacking that protection has been in some ways.

This is particularly true in the area of cyber-security. As recently as the last week of August, the Information Technology Association of America gave the U.S. government and private sector a C- grade for their cyber-security efforts.

ABATING TERRORISM WITH TECHNOLOGY

Cyber-security is not the only realm where technology and security meet. State and federal government agencies should seek out ways to improve their use of technology in other security-related areas as well.

Take immigration, for instance. Modified customer relationship management software would make tracking the visa status of legal immigrants much easier. Many of the September 11 terrorists were living in the United States on "lapsed" visas. Had the government employed a higher-tech visa tracking system, the terrorists might well have been deported long before they had the opportunity to attack our country.

Our airport security system, too, suffers from obsolete technology. Most of the machines used to x-ray carry-on baggage are approaching 30 years old, and they were originally designed to spot handguns. Today, the threats are more varied and more subtle; they demand the use of dramatically better technology that is already available.

The liberties afforded us in this country come with an equally important demand for responsibility. We must use the tools at our disposal to protect ourselves.

The federal government's technology weaknesses are widely recognized. Keith A. Rhodes, chief technology officer of the General Accounting Office, admitted, "Virtually all of the largest federal agencies have significant computer security weaknesses that place critical federal operations and assets at risk to computer-based attacks." He predicted the situation would get worse.

"Over 100 countries already have or are developing computer attack capabilities," said Rhodes. "NSA [the National Security Agency] has determined that potential adversaries are developing a body of knowledge about U.S. systems and methods to attack them."

DON'T GO OVERBOARD

The growing realization that we need heightened technological security need not—indeed, must not—lead to new federal laws or regulations.

Because of the very nature of technology, no law or regulation could have denied cyber-terrorism tools to the terrorists, and no law or regulation could have protected the United States against a cyber-attack. Only the increased proliferation of high-technology products will create the tight security system we so desperately need now.

This is particularly true with respect to encryption technology. Many of the protocols of strong cryptography are in the public domain. Dozens of programs were created overseas, beyond the control of the U.S. Congress. Moreover, strong encryption is one of the best ways to secure U.S. transactions of all sorts against those who would cause us harm.

The liberties afforded us in this country come with an equally important demand for responsibility. We must use the tools at our disposal to protect ourselves.

What we don't need now are grandstanding or opportunistic members of Congress looking to pass pet technology policy legislation because "the environment seems right." Legislation that was unattractive a year ago, or even weeks ago, is probably still unattractive, even if some may argue that now is exactly the time to limit our technological advancement.

As Attorney General John Ashcroft has quipped, we have spent more time focusing on illegal gambling, including the online variety, than we have on preparing to defend ourselves against terrorists. Many policymakers have simply ignored the very realities of technology—both its abilities and its limitations.

Now is the time to remove those blinders and do what is right.

FOR MORE INFORMATION...

A Free-Market Guide to Navigating Tech Issues in the 107th Congress. There ought to be a law—against making lots of new laws, especially in the tech sector. The authors discuss market and regulatory considerations in 20 subject areas. (Competitive Enterprise Institute, 2001)

PolicyBot request *PolicyBot* documents #7213434 (part 1, 26pp.), #7213435 (part 2, 26pp.), #7213436 (part 3, 30pp.), and #7213437 (part 4, 21pp.)
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Welfare

Michael B. Barkey

Michael B. Barkey is president of the Center for the Study of Compassionate Conservatism and editor of *The Next Phase of Welfare Reform* (forthcoming).

Supporting America's Heroes

One of the thousands of people killed in the September 11 terrorist attack was a woman I met at a conference some years ago. I meet hundreds of people every year and thought little about it when we first met. She was just another hand shaken. Another professional contact made. Another fellow traveler.

Like so many people who slip in and out of our lives, I never thought twice about her. I doubt she gave me a second thought either. And now she's gone . . . along with the chance to get to know her better.

Upon taking stock of the things I have been blessed with in life, I found myself wondering how many other people have passed through my life without receiving the kind of attention I wish I had given them . . . and, more importantly, that they deserve.

MISSED OPPORTUNITIES

Nearly everyone will turn away, at least at times, pretending not to see the approach of an oncoming beggar.

We think to ourselves, almost on a subconscious level: "If I don't see his plight, I can ignore him and my moral responsibility to help disappears. This unfortunate man becomes someone else's problem."

Even though indiscriminate giving supports habits of sloth, hurting the very person in search of help, ignoring a homeless man entirely further demeans him and usually worsens his plight. Looking away from our responsibilities often gives rise to feelings of repugnancy deep within our gut. It's hard to look a homeless person in the eyes and then deny his dignity.

The pangs of conscience rarely manifest themselves, though, when we overlook a professional colleague, after a handshake, even though the same dismissive attitude means a missed chance to engage a unique human being with interesting talents and flaws—something we only realize when terror takes them away.

RISING TO THE OCCASION

Whenever great tragedy strikes, humans seem to rise to the occasion, putting aside their differences, responding with a tremendous outpouring of generosity and concern.

Another acquaintance of mine, upon hearing of the horror that befell hundreds of rescue workers with the collapse of the second World Trade Center tower, offered to go to New York City to assist with the recovery and cleanup efforts at her own expense.

Her name was added to a list of over 16,000 volunteers—firefighters, police officers, EMS technicians—all eager to help out. Those brave souls offered to undergo great personal sacrifice for faces they had not seen, for people they did not know, for lives they valued without having encountered.

These brave and selfless people represent the armies of compassion that President Bush so often talks about in speeches.

I hope to get to know this brave acquaintance of mine better.

GOODNESS IS OUR GREATNESS

America's greatness resides in the goodness of her people. Perhaps that is what the terrorists most hate about us.

A commitment to provide temporary assistance to people in need is a hallmark of a good society. Today we are meeting that obligation with the victims of the terrorist attack and their families, largely through volunteer measures.

America's greatness resides in the goodness of her people. Perhaps that is what the terrorists most hate about us.

Private charities, such as the Red Cross and the Salvation Army, are at the forefront of the effort to clean up and rebuild America.

CAN PUBLIC POLICY HELP?

Rather than support charities directly or indirectly, an important, unrecognized alternative is for public policy to better support the individual who donates to charity. That is the premise behind the charitable tax deduction, which allows donors to deduct from their income taxes the gifts they make to nonprofit organizations. It only makes sense to allow individuals, such as the heroes who have responded in the wake of the terrorist attack, to deduct time volunteered, as well.

Tax law must be changed to support volunteers and create incentives for other people to join the ranks of the armies of compassion. Every individual volunteering time at a tax-exempt organization should be able to claim a federal income tax deduction for time volunteered and reasonable expenses associated with that work.

A business deduction should also be created, enabling firms to deduct the value of income lost when they allow an employee time off to work as an unpaid volunteer for a tax-exempt organization.

National service is a national treasure. It is important that we support America's heroes, especially at this time of desperate need.

FOR MORE INFORMATION...

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Fixing Airport Security

by Robert W. Poole, Jr. and Viggo Butler

Robert Poole, an MIT-trained engineer, is director of transportation studies at the Reason Public Policy Institute in Los Angeles. Viggo Butler, the retired CEO of Lockheed Air Terminal, recently served on the FAA's Research, Engineering & Development Advisory Committee and chaired its security subcommittee. This essay is derived from RPPI Rapid Response No. 106, released on September 21 and available in its entirety at ***http://www.rppi.org/rr106.html****.*

The September 11 terrorist attacks on the Pentagon and World Trade Center have forced us to rethink the issue of airport security. It's become quite clear the present system is not adequate to the task.

The most fundamental problem with airport security in the U.S. is its fragmentation. Security today is the joint responsibility of the FAA, airport operators, and airlines. Everybody is responsible for airport security . . . which means nobody is really in charge.

Some observers have called for creating a federal service to take over most, if not all, airport security functions. But merely changing the uniforms will not change either the nature of the work or the incentives to cut corners in the name of everyday convenience. What's needed is a single point of responsibility at each airport, held accountable for every aspect of security. That responsible and accountable party should be the airport owner/operator.

The most fundamental problem with airport security in the U.S. is its fragmentation. Everybody is responsible for airport security . . . which means nobody is really in charge.

A MODEL THAT WORKS

Airport security is already handled this way in Europe. London's airports, especially Heathrow, have long been extremely sensitive to the terrorist threat. Security there is first-rate.

Airport owner/operator BAA employs all the passenger screening people itself, and pays them decent wages. Turnover is but a fraction of what is typical of U.S. airports. Some of these employees eventually move up to other positions within the company. At the London airports, every single bag is X-rayed (which has never been done for domestic flights in this country), and there is positive matching of bags with passengers (again, unheard-of in this country).

London typifies a large-scale trend in Europe toward a more professional model of airport management. In Europe today, an airport is seen as a business: an enterprise run by qualified (and highly paid) professionals, serving a number of different customers, and expected to make a profit (and pay taxes!) by doing so.

A growing number of these airports have been shifted into private ownership over the past decade. Since Margaret Thatcher converted the former British Airports Authority into the publicly traded BAA in 1987, a total of 17 U.K. airports have shifted into the private sector. In each case, the corporate model has led to more professional management and increased resources for meeting customer needs—including security.

By contrast, the United States is still stuck with the old model: the airport as a no-frills place to get people on and off planes, at the lowest possible cost. Run by civil servants, it is not expected to take (entrepreneurial) risks, or to take major responsibilities, or to seek profits—but simply to do what is expected of it by the airlines and the FAA.

Although there are dedicated professionals running some U.S. airports, all too often we have positions filled by political appointees—like the former governor of Massachusetts' driver, who is the current chief of airport security at Boston's Logan Airport, where two of the doomed September 11 flights originated.

THE ACCOUNTABLE AIRPORT

Thus, one way to improve U.S. airport security is to shift from the nonprofit, bureaucratic, civil-servant model of airport management to the emerging global corporate model. An airport becomes a major business enterprise, run by world-class professionals who take on the full responsibilities of ownership, including a serious, pro-active commitment to security.

This does not mean all major airports would be sold or leased to private companies. Many of the European airports now being privatized (e.g., Amsterdam and Frankfurt) have been run for years as government corporations, with one or more units of government as their shareholders. The important thing is they were run as real businesses: controlling their assets, taking entrepreneurial risks, making profits, and paying taxes.

Even before America's major airports are "corporatized," we can take immediate measures to provide stronger incentives for security accountability. The FAA should establish outcome-based security requirements, and make each airport operator solely responsible for compliance. Airports that flunk should face hugely increased financial penalties, and even the threat of shut-down.

If the FAA can yank the operating certificate of an airline that doesn't measure up on safety compliance, why not hold airports accountable in the same way?

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How Best to Improve School Productivity? School Choice!

An interview with Caroline Minter Hoxby
Economics Professor, Harvard University

by George A. Clowes
Managing Editor, *School Reform News*

Although it's only seven years since Caroline Minter Hoxby received her Ph.D. in economics from the Massachusetts Institute of Technology, the brilliance of her subsequent research at Harvard University into the effectiveness and cost of public education has established her as one of the leading economists of the day. George Clowes interviewed her in August.

Clowes: What led you to look at productivity in the education sector?

Hoxby: For an economist like myself, it's natural to be interested in the reason why the education sector, which is very important in the United States, has low productivity and very poor productivity growth compared to other sectors. Economists are increasingly interested in sectors that are neither for-profit nor strictly government-controlled, but are somewhere in between. Health care and education are two such sectors.

The other reason I am interested in education is that I care about children and the kind of a life they will face if they do become well-educated. American children need to be educated so they can contribute to the future economy of the United States. I think the education sector is in crisis because it is no longer doing an adequate job of providing the key input—educated workers—for our complex and technology-intensive economy. You simply cannot build an information-oriented economy with workers who are poorly educated.

Clowes: You have said American schools are in a productivity crisis. What are the symptoms?

Hoxby: The main symptom of the productivity crisis is the fact that productivity has fallen almost 50 percent in the past 30 years. We measure productivity by dividing a measure of student achievement by per-pupil spending in inflation-adjusted dollars. Regardless of which achievement measure we use, we find a decline in productivity of 40 to 50 percent. This is because achievement has been flat or slightly declining, while costs have been escalating rapidly.

Most people favor measuring achievement with standardized tests given to a representative sample of students in the nation. The most appropriate test for this purpose is the National Assessment of Educational Progress, because it is designed to trace the achievement of American students over time. However, you would get similar results with other measures, such as the percentage of students who graduate from high school or scores on tests like the Stanford-9 or the Iowa Test of Basic Skills.

Clowes: How are schools able to increase costs so enormously without increasing the quality of the product?

Hoxby: Schools don't face enough competition. Just imagine competing grocery stores. If one of them decided to increase its prices but offer exactly the same products, people would go to the other grocery stores and the store would quickly go out of business.

Unfortunately, parents do not have sufficient opportunity to change schools so that they can say, "My school is more expensive than before and it doesn't seem to be doing better than other competing schools. Therefore I'm going to send my child to another school." In other words, competition in the education industry is too weak to be an effective brake on costs.

Clowes: What has been the effect of teacher unions on productivity?

Hoxby: In the United States, there are both private-sector unions and public-sector unions, like the teacher unions.

In the private sector, union demands are constrained by the firm's need to compete in the marketplace. A union knows perfectly well that it should not negotiate a contract that would cripple the firm vis-a-vis its competition and drive the firm out of business.

By contrast, the teacher unions can be very demanding for their members, who often want contracts that are not best for students. There's no effective brake on the teacher unions because they are not forced to negotiate contracts that permit their schools to remain competitive. There is just not much of a competitive marketplace out there.

For instance, suppose all the local teacher unions say, "Look, we want teachers to spend fewer hours in the classroom." The superintendent who opposes that request faces an unpleasant battle. More importantly, the superintendent won't be rewarded for sticking his or her neck out. Parents cannot come flocking to the superintendent's school because there isn't any mechanism that allows them to do that.

Thus, there is almost no incentive to be the superintendent who fights a bad contract or an increase in wages that isn't accompanied by an improvement in teaching. Without competition, a superintendent cannot get rewarded by the marketplace.

If there were competition, teacher unions would not have nearly as bad an effect on productivity as they currently have. Competition, in and of itself, reins in the most excessive of union demands.

Clowes: That leads to the issue of class-size reduction, which both Bob Chase and Sandra Feldman recently claimed in *The Washington Post* would increase student achievement. Would it?

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Hoxby: The evidence suggests class-size reduction has no effect on student achievement. There are literally hundreds of studies of class size, which have been very effectively reviewed by Eric Hanushek, that suggest that reducing class size does not raise achievement.

I have a study in which I examined every change in class size at every elementary school in Connecticut over a 20-year period. In schools, class size varies from year to year because enrollment varies. Therefore, with 20 years and 800-some schools, there is a tremendous amount of variation in class size to examine.

I found there was no effect of class size on achievement at all, even when children were in small classes for all six years of elementary school.

There really is only one study in which a class-size reduction improved student achievement: the Tennessee STAR experiment. But the effect on achievement was tiny—a 10 percent reduction in class size raised achievement by two one-hundredths of a standard deviation in achievement test scores.

More importantly, in the Tennessee STAR experiment, everyone involved knew that if the class-size reduction didn't affect achievement, the experimental classes would return to their normal size and a general class-size reduction would not be funded by the legislature. In other words, principals and teachers had strong incentives to make the reduction work. Unfortunately, class-size reductions are never accompanied by such incentives when they are enacted as a policy.

Also, it is worth keeping in mind that class-size reduction is very expensive. A 10 percent reduction in class size typically costs about $850 per year per student. For such a large amount of money, we could fund programs that are much more likely to raise achievement.

Reducing class size is a perfect example of a policy that the teacher unions like, but that lowers school productivity. The unions like it because each teacher has less work and more teachers have to be hired.

Reducing class size is a perfect example of a policy that the teacher unions like, but that lowers school productivity. The unions like it because each teacher has less work and more teachers have to be hired.

I think the education sector is in crisis because it is no longer doing an adequate job of providing the key input—educated workers—for our complex and technology-intensive

Clowes: Chase and Feldman also compare class-size reduction to school vouchers, which they claim don't have any effect. But I understand your analysis of the Milwaukee voucher program shows they do have a significant effect.

Hoxby: Milwaukee is interesting because it's really the only voucher program in the United States that is big enough to be a threat to the local public school system.

The Milwaukee voucher program started in 1990, but for the first eight years of its existence it was poorly funded and forced to remain very small. No more than 1,000 children were allowed to receive vouchers, and parents could never be certain the program would exist in the next school year.

But, starting in the 1998-1999 school year, the ceiling on the number of vouchers was raised to 15,000 students, and the voucher amount increased substantially, to about $5,000 per student. Also, the voucher program was approved by the courts, so its existence was not so precarious. Thus, it suddenly became a threat to the Milwaukee public schools.

From 1998-1999 onwards, the schools that faced the most competition from the vouchers improved student achievement radically—by about 0.6 of a standard deviation each year. That is an enormous, almost unheard-of, improvement. Keep in mind the schools in question had had a long history of low achievement. Yet they were able to get their act together quickly. The most threatened schools improved the most, not only compared to other schools in Milwaukee but also compared to other schools in the state of Wisconsin that served poor, urban students.

Milwaukee shows what public school administrators can tell you: Schools can improve if they are under serious competition.

Most superintendents and principals know where the problems are in their schools. Unfortunately, they often cannot make needed changes because they are opposed by constituencies like the teacher unions. Such constituencies back down only when a school's existence is threatened.

Clowes: What kinds of policies would restore school productivity?

Hoxby: Although one might say, "We shouldn't have teacher unions because they've harmed school productivity," one has to recognize the unions are here to stay. Thus, it is more reasonable to say that, if we are going to have unions, then we need to have competition. Competition can ensure that union demands are in concert with the goals of improving student achievement and satisfying parents.

In short, I think school choice is probably the policy most likely to restore school productivity.

The other policy that can help is spreading information about school performance. Such policies are known by a variety of terms—school accountability, school report cards—but the key thing is that parents, voters, and legislators get solid information about achievement and school costs.

Parents, voters, and legislators are supposed to control schools. How can we expect them to do a good job if they do not have information?

Clowes: Could you comment on the quality of the voucher studies that have been done through Paul Peterson's group using randomized field trials?

Hoxby: I've read all of the studies by Peterson's group, and I've seen them present a number of their studies. All of their studies use a proper randomized setup, and my sense is that they have tried very hard to gather as much data as possible.

In their most recent studies, where they've had more control over the data gathering, they've had very good rates of success by normal survey standards. I do not know that anyone could do much better.

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Nothing Good in This Old CAFE

By James Johnston

Government rules requiring higher gasoline mileage for cars and light trucks have the superficial appearance of a good deal. Who wouldn't want better fuel economy? What the political sponsors of government-mandated mileage improvements fail to tell the public is that these regulations have harmful consequences. They restrict the choice of vehicles their constituents may buy. And they do even more serious harm by degrading vehicle safety and undermining the national economy.

Vehicle fuel economy regulations, called CAFE (corporate average fuel economy) have been around for a quarter of a century . . . and nothing good has ever come of them.

DRIVER CHOICE

Not only are CAFE advocates unconcerned about restricting the choice of vehicles, that is their intent. They want people to buy smaller cars and use them less. They aim to achieve these goals by stealth, requiring carmakers to achieve higher average fuel economy. To do this, manufacturers have had to cut down on the size and weight—and, thus, the utility—of their vehicles.

CAFE supporters care little about the increase in vehicle costs that results when manufacturers substitute costly light-weight materials and add expensive technology. Their attitude about cars is not unlike that attributed to the Duke of Wellington who opposed the construction of railroads in Britain because they would, he said, "only encourage the common people to move about needlessly."

Vehicle fuel economy regulations, called CAFE (corporate average fuel economy) have been around for a quarter of a century . . . and nothing good has ever come of them.

DRIVER SAFETY

More difficult to understand is the disregard for occupant safety by CAFE supporters. It is well established that, all other things being equal, a larger, heavier vehicle offers more occupant safety protection in a crash than does a small, lighter car. More vehicle structure absorbs more injury-producing energy in crashes. Unfortunately, carmakers have had to make significant reductions in the average weight and size of their fleet to meet existing CAFE rules. A 1999 USA Today analysis of insurance data found that 46,000 Americans, who lost their lives in crashes, would have lived if vehicles had not been downsized. More stringent standards will mean further cuts in size and weight—and even less safety for vehicle occupants.

It is difficult to understand how politicians are willing to ignore the increase in fatalities CAFE requirements have caused. Perhaps it is because their constituents are mostly ignorant of CAFE and its life-threatening consequences. But there is another "unintended consequence" of CAFE that could attract the political attention necessary to reverse this trend toward auto fuel economy regulation. Simply put, it is unemployment.

LOSS OF JOBS

Thousands of jobs are at stake as Congress and the administration consider higher CAFE standards. Today, Americans buy more light-duty trucks (minivans, SUVs, and pickups) than passenger cars. Those light-duty trucks are assembled in 34 plants located in 18 states from California to New Jersey and from Texas to Wisconsin.

More than 117,000 people work in those plants, and many thousands more work in plants around the country making component parts. There is absolutely no doubt that direct or indirect increases in light truck CAFE standards would cause serious disruptions in production, and possibly shut down many of these plants.

The unions representing these workers are well aware of the possible impacts. In testimony before the National Research Council in March 2001, a United Auto Workers representative said, "If the product mix had to be changed, phasing out production associated with family-sized, larger, and less fuel-efficient cars, it would lead to plant closings and job loss for workers in those plants and in related industries. We oppose increases that would place the jobs of our members and other workers in serious jeopardy."

WHO WILL SPEAK UP?

The auto industry itself may be too divided and distracted to be counted on to save the jobs of union members threatened by CAFE. But the UAW, which also has opposed the Kyoto global warming treaty for similar reasons, appears to have a clear vision of the dangers CAFE poses to its members. Similarly, the car and truck dealers know that the American car-buyer is not looking for smaller, lighter vehicles with less performance and utility—and less safety. Could it be that the auto workers, through the UAW, and the dealers, through the National Automobile Dealers Association, will be the ones to rescue consumers from destructive CAFE increases?

While the auto industry does not have "new economy" glitter, it remains an integral part of the "real economy" that is critical to the economic health of our country. As they have in the past, the UAW and the NADA may have to lead the fight to save their jobs, their products, and consumer choice.

James D. Johnston is a resident fellow with the American Enterprise Institute and author of Driving America: Your Car, Your Government, Your Choice *(Washington, DC: AEI Press, 1997).*

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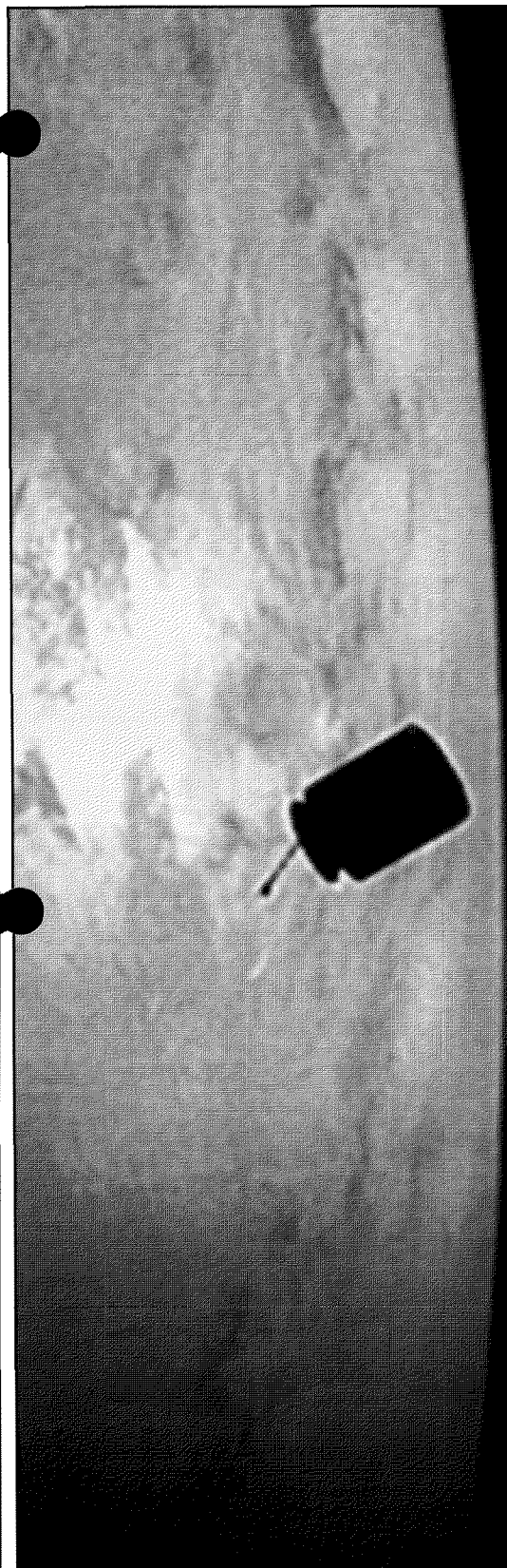

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616/453-2019, www.compassionateconservative.cc

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314/997-6361, fax 314/997-6321
www.educational-freedom.org

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909/621-6825, fax 909/626-8724, www.claremont.org

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Education Policy Institute
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202/244-7535, fax 202/244-7584, www.educationpolicy.org

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Family First
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202/393-2100, fax 202/393-2134, www.frc.org

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406/585-1776, 406/585-3000, www.free-eco.org

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Vancouver, BC V6J 3G7 Canada
604/688-0221, fax 604/688-8539, www.fraserinstitute.ca

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202/546-3000, fax 202/543-5605, www.freecongress.org

The Future of Freedom Foundation
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703/934-6101, fax 703/352-8678, www.fff.org

Frontiers of Freedom Institute
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703/527-8282, www.ff.org

George C. Marshall Institute
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202/296-9655, fax 202/296-9714, www.marshall.org

Georgia Family Council
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Goldwater Institute
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602/462-5000, fax 602/256-7045, www.goldwaterinstitute.org

Gun Owners of America
8001 Forbes Pl #102, Springfield VA 22151
703/321-8585, fax 703/321-8408, www.gunowners.org

The Heartland Institute
19 South LaSalle #903, Chicago, IL 60603
312/377-4000, fax 312/377-5000, www.heartland.org

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401 N. Franklin St. #3E, Chicago, IL 60610
312/494-9433, fax 312/494-9441, www.hazlitt.org

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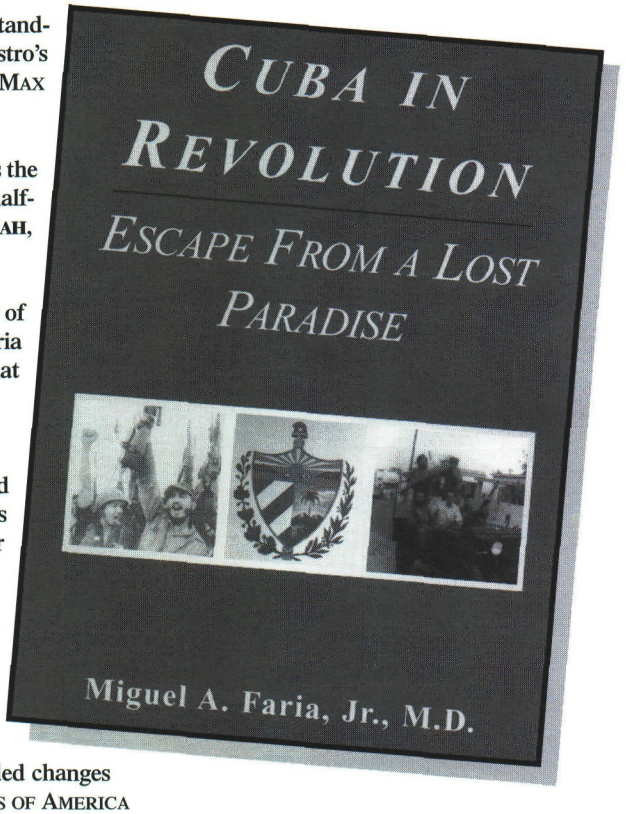

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